

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

C. A. NO. 03-30277

FAMILY ROSARY, INC.,

Plaintiff,

v.

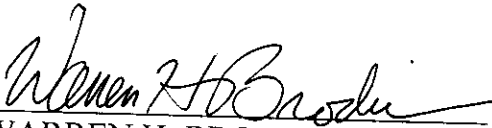
BOWDOIN CONSTRUCTION CORP.
and ST. PAUL FIRE & MARINE
INSURANCE COMPANY,

Defendants.

**MOTION FOR LEAVE TO FILE ADDITIONAL AFFIDAVIT IN SUPPORT OF
MOTION FOR STAY OF ACTION AND APPLICATION FOR ORDER
DIRECTING PLAINTIFF TO PROCEED TO ARBITRATION**

Pursuant to Federal Rules of Civil Procedure Rule 7 and Local Rule 7.1, the defendants, Bowdoin Construction Corp. and St. Paul Fire & Marine Insurance Company, move the court for leave to file an additional affidavit in support of their motion to stay the within action and application for an order directing the plaintiff to arbitrate the controversies between the parties. The proffered additional affidavit is filed herewith. In support of this motion, the defendants respectfully submit that the additional affidavit contains matters responsive to the opposition of the plaintiff to the defendants' motion that may aid the court in its determination of the motion.

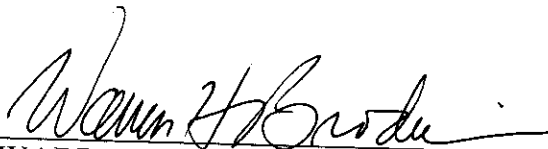
For the defendants,
Bowdoin Construction Corp. and St. Paul
Fire & Marine Insurance Company,
By their attorneys,
Law Offices of Warren H. Brodie, P.C.,

By: 
WARREN H. BRODIE
40 Grove Street
Wellesley, MA 02482
Tel: (781) 235-1100
Fax (781) 237-8686
BBO # 058000

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above motion and affidavit were served upon all attorneys of record by telecopying and mailing copies of same, postage prepaid, on March 17, 2004 to

Michael L. Costello, Esq.
Brian R. Haak, Esq.
Tobin and Dempf, LLP
33 Elk Street
Albany, NY 12207


WARREN H. BRODIE